

PHILLIP A. TALBERT  
United States Attorney  
ROBIN TUBESING  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

Attorneys for the United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIEN TRUONG NGUYEN,

Debtor.

FIDELITY INVESTMENTS  
INSTITUTIONAL OPERATIONS  
COMPANY, LLC.,

Garnishee.

Case No. 2:24MC00275-KJM-JDP

**STIPULATION FOR FINAL ORDER OF  
GARNISHMENT; ORDER**

Criminal Case No. 2:07CR00164-MCE

The United States of America (“United States”) and debtor Tien Truong Nguyen (“Debtor”) hereby request that the Court enter this Stipulated Final Order of Garnishment based on the following:

**RECITALS**

1. On or about July 28, 2011, the Court sentenced Debtor in criminal case number 2:07CR00164-MCE and ordered him to pay a \$500.00 statutory assessment and \$411,053.00 of restitution. As of October 23, 2024, Debtor still owes restitution of \$387,351.65.

///

///

2. On July 5, 2024, the United States filed an Application for Writ of Garnishment against Debtor's interest in property held by Fidelity Investments Institutional Operations Company, LLC. ("Garnishee"). ECF 1.

3. The Clerk of the Court issued the Writ and Clerk's Notice to Debtor. ECF 3 and 4. The United States served the Writ and related documents on Garnishee and Debtor. ECF 5 and 6.

4. On August 8, 2024, Garnishee served its Acknowledgment of Service and Answer of Garnishee on Debtor and the United States ("Answer"). ECF 9. In its Answer, Garnishee stated that on July 24, 2024, it had possession of a SEP IRA ending in account 0231 with an approximate total value of \$33,949.47, which may be subject to market fluctuations and deposits.

5. Debtor did not file a claim of exemption to the proposed garnishment or request a hearing, did not object to Garnishee's Answer, and did not otherwise object to the United States garnishment action.

### **STIPULATION**

The United States and Debtor hereby stipulate and agree as follows:

A. The United States and Debtor consent to entry of an order approving this Stipulation by a magistrate judge.

B. Debtor acknowledges and understands that the Federal Debt Collection Procedures Act ("FDCPA") affords him certain rights in a garnishment action. He waives these rights, including service of the writ of garnishment pursuant to 28 U.S.C. § 3205(c)(3); notice of and the right to claim exemptions and request a hearing as provided in 28 U.S.C. §§ 3202 and 3205(c)(5); and to any other process to which he may be entitled under the FDCPA.

[TEXT AND SIGNATURES CONTINUE ON NEXT PAGE]

C. The Court should grant the Writ of Garnishment and direct Fidelity Investments Institutional Operations Company, LLC and/or Fidelity Management Trust Company to liquidate and pay, to the Clerk of the Court for the Eastern District of California, all funds from the account ending in 0231.

Respectfully submitted,

Dated: \_\_\_\_\_

PHILLIP A. TALBERT  
United States Attorney

By: \_\_\_\_\_

ROBIN TUBESING  
Assistant United States Attorney

Dated: \_\_\_\_\_

By: \_\_\_\_\_

TIEN TRUONG NGUYEN

\*\*\*

**FINAL ORDER OF GARNISHMENT**

Based on the foregoing stipulation between the United States of America and Tien Truong Nguyen, and good cause appearing therefore,

IT IS HEREBY ORDERED that,

1. The foregoing Stipulation is APPROVED in its entirety, and the parties' request for a final order of garnishment is GRANTED;

2. Fidelity Investments Institutional Operations Company, LLC and/or Fidelity Management Trust Company is directed to pay the Clerk of the United States District Court all funds held by Garnishee within fifteen (15) days of the filing of this Final Order of Garnishment. Payment shall be made in the form of a cashier's check, money order, or company draft, made payable to the "Clerk of the Court," and delivered to:

United States District Court  
Clerk of the Court  
501 I Street, Room 4-200  
Sacramento, CA 95814

The criminal docket number (2:07CR00164-MCE) shall be stated on the payment instrument;

1           3.       The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the  
2 case, if necessary; and

3           4.       The garnishment shall terminate, and the Clerk of Court is directed to close this case  
4 when the payment is deposited with the Clerk.

5           **IT IS SO ORDERED.**

6 DATED: November 21, 2024.

7  
8   
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28